

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL WALKER : CIVIL ACTION  
V. : NO. 05-2070  
DiGUGLIELMO, ET AL. :

O R D E R

**AND NOW**, this 29<sup>th</sup> day of November, 2005, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the report and recommendation of United States Magistrate Judge Peter B. Scuderi, and no objections made thereto, **IT IS HEREBY ORDERED** that:

1. The report and recommendation is **APPROVED** and **ADOPTED**.
2. The petition filed pursuant to 28 U.S.C. § 2254 is **DENIED**.
3. The petitioner having failed to make a substantial showing of the denial of a constitutional right, there is no ground to issue a certificate of appealability.

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s/William H. Yohn, Jr.

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William H. Yohn, Jr., Judge